image matches the at least one criteria;

(c) determining whether the focus zone can be shifted so that the at least one object is out of focus if the at least one object is not out of focus; and

(d) shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus and if it is determined that the focus zone can be shifted so that the at least one object is out of focus;

(e) setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus; and

(f) adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

7. (Twice Amended) The method of claim 1 wherein the step of shifting the focus zone (d) further includes the step of:

(d1) shifting the focus zone so that the at least one object is outside of the focus zone if the focus zone can be shifted so that the at least one object is outside of the focus zone.

9. (Twice Amended) A method for allowing an image having a center to be captured by an imaging device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the method comprising the steps of:

(a) determining if the image matches a plurality of criteria, the step of determining if the image matches the plurality criteria further including the steps of:

(a1) determining the corresponding distance for each of the plurality of objects;

(a2) categorizing the plurality of objects as being located in a foreground or a background based on the corresponding distance, the image matching a first criteria of the plurality of criteria if a first object in foreground has a first corresponding distance and a second object in the background has a second corresponding distance;

(a3) separating the image into a plurality of zones;

(a4) analyzing the image in each of the plurality of zones to determine an amount of the image which each of the plurality of objects occupies, the image matching a second criteria of the plurality of criteria if the first object occupies a particular amount of the image;

(a5) analyzing the image in each of the plurality of zones to determine if the first object in the foreground is in proximity to the center of the image, the image matching a third criteria of the plurality of criteria if the first object is in proximity to the center of the image;

(b) determining whether the second object is out of focus if the image matches the at least one criteria;

(c) determining a focus zone;

(d) determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

(e) shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus and if the focus zone can be shifted so that the at least one object is out of focus;

(f) setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus; and

(g) adjusting the aperture size to shorten the focus zone if it is determined that shifting

the focus zone alone is not sufficient for the at least one object to be out of focus.

10. (Twice amended) An image capture device for capturing an image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, the image capture device comprising:

means for determining if the image matches at least one criterion;

means for determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criteria;

means for determining whether the focus zone can be shifted so that the at least one object is out of focus if the at least one object is not out of focus; and

means for shifting the focus zone, the focus zone shifting means shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus if it is determined that the focus zone can be so shifted;

means for adjusting an aperture size, the aperture size adjusting means setting the aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus and adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

19. (Twice Amended) A computer-readable medium containing a program for capturing an image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the image being associated with a focus zone, program including instructions for:

determining if the image matches at least one criterion;

determining whether at least one of the plurality of objects is out of focus if the image matches the at least one criterion;

determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; [and]

shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not out of focus if it is determined that the focus zone can be shifted so that the at least one object is out of focus;

setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus;

adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

22. (Twice Amended) A computer-readable medium containing a program for capturing an image having a center to be captured by an imaging device, the image capable of including a plurality of objects, each of the plurality of objects being a corresponding distance from the imaging device, the program containing instructions for:

determining if the image matches a plurality of criteria, the instructions for determining if the image matches the plurality criteria further including instruction for:

determining the corresponding distance for each of the plurality of objects;

categorizing the plurality of objects as being located in a foreground or a background based on the corresponding distance, the image matching a first criterion of the plurality of criteria if a first object in foreground has a first corresponding distance and a second object in the

background has a second corresponding distance;

separating the image into a plurality of zones;

analyzing the image in each of the plurality of zones to determine an amount of the image which each of the plurality of objects occupies, the image matching a second criterion of the plurality of criteria if the first object occupies a particular amount of the image;

analyzing the image in each of the plurality of zones to determine if the first object in the foreground is in proximity to the center of the image, the image matching a third criterion of the plurality of criteria if the first object is in proximity to the center of the image;

determining whether the second object is out of focus if the image matches the at least one criterion;

determining a focus zone;

determining whether the focus zone can be shifted so that that the at least one object is out of focus if the at least one object is not out of focus; and

shifting the focus zone so that the at least one object is out of focus if at least one of the plurality of subjects is not cut of focus and if the focus zone can be shifted so that the at least one object is out of focus;

setting an aperture size without shifting the focus zone after the focus zone has been shifted if it is determined that the focus zone can be shifted so that the at least one object is out of focus;

adjusting the aperture size to shorten the focus zone if it is determined that shifting the focus zone alone is not sufficient for the at least one object to be out of focus.

Please cancel claims 23-27.

Please add claims:

28. The method of claim 1 further comprising the step of:

(g) setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

29. The method of claim 28 further comprising the step of:

(h) setting remaining settings without shifting the focus zone or changing the aperture size if the aperture size and focus zone have been set in steps (d), (e), (f), or (g).

30. The method of claim 9 further comprising the step of:

(h) setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

31. The method of claim 30 further comprising the step of:

(i) setting remaining settings without shifting the focus zone or changing the aperture size if the aperture size and focus zone have been set in steps (e), (f), (g), or (h).

32. The image capture device of claim 10 wherein the focus zone shifting means further set the focus zone location based on the aperture size if the aperture has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

33. The image capture device of claim 32 further comprising

means for setting remaining settings without shifting the focus zone or changing the aperture size if the aperture size and focus zone have been set so that the at least one object is out of focus.

34. The computer-readable medium of claim 19 wherein the program further includes instructions for:

setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

35. The computer-readable medium of claim 34 wherein the program further includes instructions for:

setting remaining settings without shifting the focus zone or changing the aperture size if the aperture size and focus zone have been set so that the at least one object is out of focus.

36. The computer-readable medium of claim 22 wherein the program further includes instructions for:

setting the focus zone location based on the aperture size if the aperture size has been adjusted to shorten the focus zone if it is determined that the focus zone cannot be shifted so that the at least one object is out of focus.

37. The computer-readable medium of claim 36 wherein the program further includes instructions for:

setting remaining settings without shifting the focus zone or changing the aperture size if the aperture size and focus zone have been set so that the at least one object is out of focus